

**Treaty Between the Government of the United States of America  
and the Government of Canada Concerning Pacific Salmon  
(Basic Instrument for the Pacific Salmon Commission - PSC)**

**Basic Instrument**

Treaty Between the Government of the United States of America and the Government of Canada Concerning Pacific Salmon, 1985.

**Implementing Legislation**

Pacific Salmon Treaty Act of 1985 (16 U.S.C. 3631).

**Member States**

The United States and Canada.

**Commission Headquarters**

Pacific Salmon Commission  
1155 Robson Street, Suite 600  
Vancouver, British Columbia  
Canada V6E 1B5

Executive Secretary: Mr. Don Kowal  
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**Budget**

Each Party contributed CAD\$1,587,969 to the approved Commission budget of CAD\$3,600,234 for Fiscal Year 2007-2008 (April 1, 2007-March 31, 2008). The budget for the fiscal year that begins April 1, 2008, is CAD\$3,603,904 and includes contributions of CAD\$1,729,153 from each Party.

**U.S. Representation**

A. Appointment Process:

The appointment process for U.S. members of the PSC includes several unique features. The legislation implementing the treaty specifies: "The United States shall be represented on the Commission by four Commissioners who are knowledgeable or experienced concerning Pacific salmon, to be appointed by and serve at the pleasure of the President. Of these, one shall be an official of the U.S. Government who shall be a non-voting member of the U.S. Section; one shall be a resident of the State of Alaska and shall be appointed from a list of at least six qualified individuals nominated by the Governor of that State; one shall be a resident of the States of Oregon or Washington and shall be appointed from a list of at least six qualified individuals nominated by the Governors of those States; and one shall be appointed from a list of at least six qualified individuals nominated by the treaty Indian Tribes of the States of Idaho, Oregon, or Washington. Two of the initial appointments shall be for 2-year terms; all other appointments shall be for 4-year terms." Legislation also provides for the designation of an Alternate Commissioner for each Commissioner. In the absence of a Commissioner, the Alternate Commissioner may exercise all functions of the Commissioner.

**B. Commissioners:**

Larry Rutter  
National Marine Fisheries Service  
Olympia Field Office  
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David Bedford  
Deputy Commissioner  
Alaska Department of Fish and Game  
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Dr. Jeffery P. Koenings  
Director  
Washington Department of Fish and Wildlife  
600 Capitol Way North  
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Olney Patt Jr.  
Executive Director  
Columbia River Inter-Tribal Fish Commission  
729 N.E. Oregon St., Suite 200  
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**C. Alternate Commissioners:**

David Balton  
Deputy Assistant Secretary for Oceans and Fisheries  
United States Department of State  
2201 C Street NW, Room 5806  
Washington, DC 20520

James E. Bacon  
1410 Tongass Avenue  
Ketchikan, AK 99901

Roy Elicker  
Director  
Oregon Department of Fish and Wildlife  
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Salem, OR 97303

W. Ron Allen  
Tribal Chairman  
Jamestown S'Klallam Tribe  
1033 Old Blyn Highway  
Sequim, WA 98382

**Description**

**A. Mission/Purpose:**

The PSC's mission is to serve as a forum for cooperation between the United States and Canada in the establishment of general fishery management regimes for the international conservation and harvest sharing of intermingling North Pacific salmon stocks. Implementation of the principles of the Pacific Salmon Treaty should enable the two countries, through better conservation and enhancement, to "prevent overfishing and provide for optimum production; and provide for each Party to receive benefits equivalent to the production of salmon originating in its waters." The Commission also serves as a forum for consultation between the Parties on their salmonid enhancement operations and research programs.

**B. Organizational Structure:**

The Commission has a complex organizational structure which includes four regional Panels (Northern, Transboundary, Fraser River, and Southern) consisting of 23 U.S. Panel Members, 15 of whom are appointed by the Secretary of Commerce. Each Panel member on the Northern, Fraser River, and Southern Panels has an Alternate Member (9 total), who is also appointed by the Secretary of Commerce. The Northern Panel's stocks of concern are those originating in rivers between Cape Suckling in Alaska and Cape Caution in British Columbia. The Transboundary Panel's stocks of concern originate in rivers in British Columbia that flow to the sea through Southeast Alaska. The Fraser River Panel is the only panel with regulatory responsibility. It is responsible for stocks of sockeye and pink salmon originating in the Fraser River. The Southern Panel is concerned with stocks originating in rivers of Canada south of Cape Caution (not including Fraser River pink and sockeye salmon) and the rivers of Washington, Oregon and Idaho.

The Panels are responsible for providing advice to the Commission on the management regimes for the intercepting salmon fisheries in their respective regions, i.e., those in which one or both countries intercept salmon spawned in the other country. This is done by reviewing technical data on annual fishing plans, regulations, and the salmon

enhancement programs of each country. Based on the advice provided by the Panels, the PSC formulates management recommendations, including catch limits and related regulations, to present to the two governments. These recommendations become effective upon approval by both governments.

### C. Programs:

On June 30, 1999, the United States and Canada signed a new Pacific Salmon Agreement. The agreement concluded 7 years of negotiations and established new fishing regimes under the 1985 Pacific Salmon Treaty to protect and rebuild salmon stocks. The long-term agreement secures a management and harvest-sharing framework for the next decade. Most of the new fishery arrangements will be in effect for 10 years, beginning in 1999. The arrangement concerning the management of Fraser sockeye and pink salmon will be in effect for 12 years, also beginning in 1999.

The agreement establishes abundance-based fishing regimes, based on run strength, for the major salmon intercepting fisheries in the United States and Canada. Larger catches will be allowed when abundance is higher and catches will be constrained in years when abundance is down. These regimes are designed to implement the conservation and harvest sharing principles of the Pacific Salmon Treaty.

Also under the agreement, two bilaterally-managed regional funds were established--the Northern Boundary and Transboundary Rivers Restoration and Enhancement Fund (northern fund) and the Southern Boundary Restoration and Enhancement Fund (southern fund). The funds will be used to improve fisheries management and aid efforts to recover weakened salmon stocks. The United States contributed US\$75 million and US\$65 million to the northern and southern funds, respectively, over a 4-year period. The agreement highlights the importance of habitat protection and restoration in achieving the long-term objectives of the Parties relative to salmon. It also includes a commitment by the two countries to improve how scientific information is obtained, shared, and applied to the management of the resource.

### Overview of the Agreement's Current Fishing Regimes in Annex IV of the Treaty

Transboundary Rivers (Chapter 1): This agreement specifies arrangements for sockeye, coho, chinook, and pink salmon management for several rivers that flow from Canada to the Pacific Ocean through the Alaskan panhandle, including the Stikine, Taku and Alsek rivers. An attachment to the agreement describes programs and associated costs for joint enhancement of sockeye salmon in the Taku and Stikine rivers.

Northern British Columbia and Southeast Alaska (Chapter 2): This agreement addresses the management of sockeye, pink and chum salmon fisheries in southeast Alaska and northern British Columbia. It specifies how the fisheries will be managed to achieve conservation and fair sharing of salmon stocks that intermingle in the border area. The fixed catch ceilings contained in the expired agreements were replaced with abundance-based provisions that allow harvests to vary from year to year depending on the abundance of salmon. Of particular note, because they resolve long-contentious issues, are agreements governing the harvest of sockeye in Alaska's purse seine fisheries near Noyes Island (District 104) and the gillnet fishery at Tree Point (District 101), and Canada's various marine net fisheries for pink salmon and its troll fishery for pink salmon in specific Canadian fishing areas .

Chinook Salmon (Chapter 3): Because they pass through fisheries regulated by many jurisdictions in both Canada and the United States, chinook salmon have been the focus of increasing concern and controversy in recent years. Although some chinook populations are relatively healthy, particularly the "far north migrating stocks" that tend to migrate to the marine waters near Alaska to grow and mature, others have been so diminished in recent years that they have been listed by the U.S. Federal Government under the Endangered Species Act (ESA). The new chinook regime encompasses marine and certain freshwater fisheries in Alaska, Canada, Washington, and Oregon. All chinook fisheries will be managed based on abundance, replacing the fixed catch quotas that applied in previous regimes. Two types of fisheries have been designated: (1) those that will be managed based on the aggregate abundance of chinook salmon present in the fishery, and (2) those that will be managed based on the status of individual stocks or stock groups in the fishery.

The agreement provides a degree of flexibility to allow management agencies to decide how best to distribute the harvest impacts across their various fisheries to reflect domestic fishery priorities, provided the over-all reductions are achieved. For some chinook stocks, the total reductions will have to be much greater than the general obligation, due to the need to provide extra protection for certain very depressed stocks. The general obligation will not apply to hatchery stocks or healthy natural stocks that are achieving escapement objectives and can support harvest. In addition to predetermined harvest schedules, the agreement contains provisions that specify conditions under which even greater harvest reductions will apply. These so-called "weak stock" provisions serve as a safety valve to afford additional protection to stocks that may fail to respond to the recovery programs.

Fraser River Sockeye and Pink Salmon (Chapter 4): Although much of the structure of the previous agreements relating to the Fraser River is retained, the new agreement requires a reduction of the U.S. share of Fraser sockeye, which was phased in by 2002. The U.S. share in Washington State is 16.5 percent of the total allowable catch. (By way of contrast, the U.S. share specified in the first 4 years of the Pacific Salmon Treaty was approximately 26 percent.) The U.S. share of Fraser pink salmon will be 25.7 percent of the total allowable catch.

Coho Salmon (Chapter 5): The coho agreement essentially provides a blueprint and specifications (biological criteria) for a conservation-based regime for border area fisheries in southern British Columbia and Washington State. The specifics of the regime were bilaterally developed and were agreed to in February 2002. The new regime includes rules that will establish harvest limits in specified border area fisheries. The rules are designed to limit exploitation rates on natural coho stocks to sustainable levels, taking into account all fisheries affecting the stocks, thereby improving the long term prospects of sustainable, healthy fisheries in both countries.

Southern British Columbia and Washington State Chum Salmon (Chapter 6): This chapter incorporates certain refinements to the provisions that trigger fisheries directed at chum salmon in the Strait of Georgia and Puget Sound. These refinements will have only a minor impact on the allocations of catches, but will improve the effectiveness of the regime. Additionally, at the request of the United States, Canada agreed to require the live release of chum salmon in certain of its net fisheries in its southern boundary areas at those times of the year when "summer chum," a species recently listed as threatened under the ESA, may be present in the areas. Both countries agreed to collect better data relating to these fish.

The 1999 agreement can be found at:

[http://www.state.gov/www/global/oes/oceans/990630\\_salmon\\_index.html](http://www.state.gov/www/global/oes/oceans/990630_salmon_index.html).

**2008 Annual Meeting:** The PSC held its Annual Meeting on February 11-15, 2008 in Vancouver, B.C. Among other things, the Commission and its panels conducted negotiations to renew the current Pacific Salmon Treaty fishing regimes which are set to expire in 2008. This includes most of the fishing regimes contained in Annex IV of the Pacific Salmon Treaty.

The two sides have agreed that renegotiation of these fishing regimes should take place within the cooperative context of the PSC, rather than directly between the governments, to the extent possible. In light of the fact that several of the fishing regimes have been recently updated, U.S. Commissioners believe that most of the regimes may only need "fine tuning," rather than the kind of major overhaul that occurred in 1999. Although Canada generally agrees with this assessment, it cautioned that it may be difficult to manage the expectations of all participants in the process, and that ultimately the Treaty in its totality must work for both Parties. Ideally, from the U.S. perspective, any necessary revisions to the majority of expiring fishing regimes should be discussed within, and recommended by, the appropriate PSC panels and technical committees, and then adopted by the Commission. The negotiations of Chapter 3, Annex IV chinook provisions will be conducted at the Commission level. If the Commission agrees on changes to all the expiring fishing regimes, it will recommend those changes to the U.S. and Canadian Governments, who will then exchange notes to bring the relevant amendments to Annex IV of the Treaty into force.

The PSC has established a scoping committee to develop the basic objectives, functions, committee makeup, costs and structure of a Habitat and Restoration Technical Committee that has been agreed to help

the Commission implement Attachment E (Habitat Restoration) of the 1999 Agreement to the Pacific Salmon Treaty. The Committee will operate similarly to the other PSC technical committees, and will report to the Commission on the status of habitats for salmon stocks affected by non-fishing factors. It will also identify for the Commission options for addressing habitat factors that limit production of those stocks.

Perhaps the most controversial issue currently facing the PSC concerns the coast-wide harvest and conservation of chinook salmon, many runs of which are listed under the U.S. ESA. Chapter 3 of Annex IV of the Treaty addresses chinook conservation and harvest sharing issues and is one of the fishing regimes that is scheduled to expire at the end of 2008. A PSC technical committee also has reported on the extent changes to the timing and scope of Canadian fisheries off the West Coast of Vancouver Island have caused a differential impact on U.S. ESA-listed chinook. The United States is suggesting that, to the extent Canada shapes its fisheries to avoid catching Canadian stocks of concern, it should similarly seek to reduce impacts on threatened and endangered U.S. stocks.

The PSC continues to pursue a work plan to implement some of the recommendations of an Expert Panel convened to examine the coast-wide coded wire tag (CWT) program--one of the primary tools for research and data collection on the status of Pacific salmon stocks. Experts are concerned that the integrity and usefulness of the CWT program may be suffering from the effects of scarce resources to implement the program, fewer tag recoveries resulting from reduced fisheries, and the impacts of mass marking and mark-selective fisheries.

Future Meetings: The next regular meeting of the Pacific Salmon Commission will be held on October 21-23, 2008, in Victoria, B.C. The PSC Post Season Meeting will be held January 12-16, 2009, in Vancouver, B.C., and the 23<sup>rd</sup> Annual Meeting will be held February 9-13, 2009, in Portland, Oregon.

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